



## CITY OF ATLANTA


M. KASIM REED  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-73 for SPI-18 – Service Station Amendment

DATE: December 11, 2014

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**AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW TO AMEND SEC. 16-18R.005(1)(a) OF THE CITY OF ATLANTA CODE OF ORDINANCES, SO AS TO ALLOW FOR SERVICE STATIONS IN SPECIAL PUBLIC INTEREST DISTRICT-18, SUBAREA 1; AND FOR OTHER PURPOSES.**

#### FINDINGS OF FACT:

SPI-18 is a zoning district which covers the Mechanicsville neighborhood in Council District 4. It is further categorized into subareas ranging from 1 through 10, which indicate areas that have been designated for various uses such as: Single-family Residential, Multi-Family Residential, Mixed-Use, and Industrial. Service stations have been restricted to the mixed-use, commercial, and industrial subareas: 1, 2, 3, 7 and 8. In subareas 1, 2, and 3, service stations are further restricted to those properties that are east of Pryor Street.

#### PROPOSAL:

The proposed text amendment specifies that Service Stations shall be regulated in SPI-18, Subarea 1 as an allowed use as outlined below:

- Location: West of Pryor Street.
- Number Allowed: A maximum of one (1) service station

## CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** SPI-18 subarea 1 consists of several parcels, many of which have land use designations that area compatible with that particular mixed-use zoning district.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** There would be a minimal effect on public facilities and services since this ordinance would only allow one service station in a small northern section of the SPI-18 district. There are already other existing commercial establishments in this area.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** There is other land within this SPI district that allows for the use of service stations, however, many of the parcels may be developed, or otherwise unavailable for development. The service station allowance in this area would not disrupt the balance of land uses because there are very few service stations in the district currently.
- 4) **Effect on character of the neighborhood:** The allowance of the opportunity for a service station in this area of SPI-18 will provide the community with an additional option for refueling vehicles. This district encourages pedestrian oriented development, however, Staff acknowledges that automobiles are still an essential part of our daily lives and commute.
- 5) **Suitability of proposed land use:** The service station land use is suitable for this location because it is compatible with the existing mixed-use zoning of subarea 1, and the location could offer greater convenience to residents of the community. The other existing service station within SPI-18 is located farther south in subarea 3. This subarea is also within close proximity of access to interstates 20, 85, and 75.
- 6) **Effect on adjacent property:** This text amendment proposes to restrict the location of the proposed service station use to a specific geographic location. Uses in this area include multifamily residential, vacant property and a government recreational facility.
- 7) **Economic use of current zoning** Land currently zoned in SPI-18-Subarea 1 have economic use. At this time, Staff is unable to ascertain the economic impact of this proposed text amendment..
- 8) **Compatibility with policies related to tree preservation:** Any tree loss that occurs as a result of new service station development in subarea 1 will have to comply with the City of Atlanta's tree preservation policies.

**STAFF RECOMMENDATION: APPROVAL**



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M. KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-32 for 678 Joseph E. Boone Boulevard (former Simpson Road) N.W.

**DATE:** December 11, 2014

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The applicant seeks a Special Use Permit pursuant to Section 16-18K.004 (1) (3) (a), of the Zoning Ordinance for a Community Services Facility.

The applicant has requested additional time to work with the community further on this application.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL-JANUARY 2015**



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M. KASIM REED  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-27 for 4300 Northside Drive, N.W.

**DATE:** December 11, 2014

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The applicant seeks a Special Use Permit (SUP) for a **Special School** for property located at 4300 Northside Drive.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 750 feet on the east side of Northside Drive from the northwest corner of West Conway Drive in the Mount Paran/Northside Neighborhood of NPU-A, Council District 8. The lot is located in Land Lot 161 of the 17<sup>th</sup> District, Fulton County, Georgia.
- **Property Size and Physical Features:** The subject area is approximately 13.17 acres and has varying elevations. The site consists of 11 buildings, two parking lots, and a playground area. There are two driveway entrances along Northside Drive and one located on West Conway Drive. There are several large trees around the property.
- **Current/past use of properties:** The area has historically been primarily used for church activities for Northwest Presbyterian Church. Included on the site are a fellowship hall, sanctuary, offices, gym, playground, and a school.
- **Transportation System:** Northside Drive is an arterial and is also US 41 and SR 3. Interstate 75 is within a five mile radius of the subject property. MARTA does not service this portion of Northside Drive.

## PROPOSAL:

The applicant proposes to utilize an existing residential structure at the Northwest Presbyterian Church for a school for children with neurodevelopmental conditions. The school will accommodate a maximum of ten students, ages five to 18 years of age. The school will be operated by Jacob's Ladder, a non-profit learning center.

- **Ingress and egress:** Entrances to the property are located on Northside Drive and West Conway Drive. The applicant proposes to add new paving to the driveway to create a drop off area for the students. The building is accessible from either driveway entrance.
- **Off-street parking and loading:** Existing parking provided by the church will be utilized as off-street parking. There are 156 parking spaces provided, with 34 of them in close proximity of the building.
- **Refuse and service areas:** The school will use the existing trash service provided to the church.
- **Buffering and screening:** The applicant does not anticipate any outdoor activities that would create noise or glare. The building is not located near the road and is buffered by several large trees and a large surface parking area.
- **Hours and manner of operation:** The school will be open from 9:00 a.m. to 5:00 p.m., Monday through Friday. There will be a maximum of ten students with 12 employees during these hours.
- **Duration:** The applicant is desirous of an indefinite duration.
- **Required yards and open space:** The proposed use does not interfere with any required yards or open space.
- **Tree preservation and replacement:** N/A

## CONCLUSIONS:

- **Ingress and egress:** Staff is of the opinion that the existing entrances and exits to the property are adequate for the continued operation of the church facilities and this proposed use.
- **Off-street parking and loading:** Staff is of the opinion that there will be adequate off street parking and loading for this proposed use.
- **Refuse and service areas:** The existing trash service should be adequate to address the needs of this proposed use.

- **Buffering and screening:** Since no outdoor activities are proposed that would create noise or glare and due to the existence of the large trees, Staff is of the opinion that no additional buffering and screening is required.
- **Hours and manner of operation:** The hours proposed for the operation of the school and the proposed operation are a complement to the overall activities implemented on the church campus. Staff is of the opinion that this use is compatible as presented.
- **Duration:** Staff is supportive of a duration that is tied to the applicant. Any new applicant or operator would need to request another special use permit.
- **Required yards and open space:** The proposed use does not interfere with any required yards or open space.
- **Tree preservation and replacement:** Application of the City's Tree Ordinance will be reviewed at the time the applicant files for a building permit.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. The Special Use Permit for a "Special School" shall be valid as long as Jacob's Ladder, Inc. is the operator.
2. Site plan titled Northwest Presbyterian Church dated October 6, 2014 and marked received by the Office of Planning on October 7, 2014.



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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-28 for 533, 539 Lindsay Street, N.W. and 530, 534, 544, 548 Oliver Street, N.W.

**DATE:** December 11, 2014

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The applicant seeks a Special Use Permit (Sec.16-06A.005(1)(k)) for a Private Park to be located on the aforementioned properties.

### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100 feet on the east side of Lindsay Street and approximately 243 feet on the west side of Oliver Street. The property is located in the English Avenue Neighborhood of NPU L and Council District 3.
- **Property size and physical features:** The subject properties vary in square footage and frontage. 530 Oliver Street is currently developed with a single family structure, the remaining parcels are undeveloped. Ingress and Egress to all properties can be obtained via Lindsay Street and Oliver Street. All properties are relatively flat and currently contain several mature trees and shrubbery throughout.
- **Current/past use of property:** The subject properties are currently underutilized however, it appears that they were once developed with single family dwellings. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties that are zoned the following: R-G3 (General (multi-family) Residential) and R-4A (Single Family Residential).
- **Transportation system:** North Avenue, which is the road that provides access to Lindsay and Oliver Street, is a collector street that is serviced by MARTA.

## PROPOSAL:

The applicant is requesting a Special Use Permit to construct a private park to be utilized by the surrounding neighborhood.

- a) **Ingress and egress:** Since there is no onsite parking, the applicant has not proposed any ingress and egress access points. However, any visitors to the park may utilize any available on street parking.
- b) **Parking and loading:** The applicant does not anticipate any deliveries to the proposed park therefore, loading is unnecessary for this use. Additionally, maintenance and service vehicles may utilize on street parking,
- c) **Refuse and service areas:** The proposed park will utilize waste receptacles which will be located throughout the park. The applicant has indicated that the Office of Parks and Recreation will provide disposal services on scheduled days.
- d) **Buffering and screening:** The subject properties will be converted for park use therefore, the applicant has not proposed any methods of buffering and screening. The applicant has indicated however, that the park will not contain any lighting.
- e) **Hours and manner of operation:** The park will be open to the public seven days a week between the hours of 6:00am – 11:00pm. There will be no onsite employees, meals offered or any special programs. The park will be utilized by members of the community who will have access to a playground, open lawn area, a children's sensory garden and bio-retention areas for any runoff created by the installation of the park.
- f) **Duration:** An indefinite duration has been requested by the applicant.
- g) **Required yards and open space:** The applicant has indicated that the required yards and open spaces will be met.
- h) **Tree Preservation and Replacement:** The applicant has indicated that trees will be removed from the subject properties and the City Arborist will be consulted for the purpose of permitting and recompense.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Due to the fact that the site will be utilized as a park by the neighborhood and there are no ingress and egress reference points, Staff is of the opinion that the proposed park will not impede pedestrian safety, traffic flow and emergency access. The park will mainly be utilized by residents who reside in the English Avenue neighborhood and have the capability to walk to the nearby park. Therefore, Staff is of the opinion that the absence of ingress and egress is sufficient due to the proposed use.



- b) **Off-street parking and loading:** The proposed park will not have any onsite parking. Parking for those who travel to the park may be obtained by utilizing on street spaces. Emergency and service personnel will also be able to utilize on street parking to access the proposed park. Therefore, Staff is of the opinion that due to the proposed use the lack of onsite parking is reasonable and should not impact the neighboring residents.
- c) **Refuse and service areas:** Use of the City of Atlanta, Office of Parks and Recreation for the removal of refuse should be sufficient.
- d) **Buffering and screening:** The applicant has not proposed any buffering and screening. However, Staff is of the opinion that if there are plans for the adjacent residential properties to remain then additional screening or buffering may be required.
- e) **Hours and manner of operation:** The proposed park will operate seven days a week between the hours of 6:00am – 11:00pm. Normal park hours for the public parks within the City of Atlanta are between the hours of 6:00am – 11:00pm. The applicant's proposal for a private park is in accordance with city policies and will serve a community that is need of active recreation for its residents. Therefore, Staff is of the opinion that the proposed hours and manner of operation are reasonable and the proposed park appears to be suitable for the location.
- f) **Duration:** Staff is supportive of an infinite duration.
- g) **Compatibility with policies related to tree preservation:** The applicant has indicated that tress will be removed, however the applicant has also stated that all policies relating to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

**STAFF RECOMMENDATION: APPROVAL**



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**CHARLETTA WILSON JACKS**  
**Director, Office of Planning**

**MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director

**SUBJECT:** **U-14-29 for 2760 LAKEWOOD AVENUE, S.W.,**  
**(AKA AS 2756 LAKEWOOD AND 2107 METROPOLITAN AVENUE),**

**DATE:** December 11, 2014

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The applicant seeks a **Special Use Permit (16-06.005)** to display outdoor merchandise.

Staff is requesting a deferral to further evaluate the manner of operation of this proposal.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL-JANUARY 2015**



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-30 for 600 Peachtree Battle Avenue, NE

DATE: December 11, 2014

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An Ordinance granting a Special Use Permit pursuant to Section 16-05.005 (1) (c) for a Churches, synagogues, temples, mosques, and other religious worship facilities, property located at **600 PEACHTREE BATTLE AVENUE, NE**

#### FINDINGS OF FACT:

- **Property location:** The property is located on the southwest corner of the intersection of Peachtree Battle Avenue and Northside Drive in the Woodfield neighborhood of NPU-C, and Council District 8.
- **Property size and physical features:** The subject property is a 11.16 acre site which is developed with a multi-level brick and stucco building occupied by the Ahavath Achim Synagogue. The property has relatively flat topography and consists of several large paved asphalt parking areas with a total of 410 parking spaces. Several mature trees are present on the property, as well as a landscaped area which provides a buffer to separate the property from Peachtree Battle Avenue. There are sidewalks present along the property's northern boundary on Peachtree Battle Avenue, but none along the eastern boundary along Northside Drive.
- **Current/past use of property:** The applicant indicated that the subject site has been occupied since 1956 by the Ahavath Achim Synagogue, and was granted an SUP for an Early Childhood Education/Day Care Facility in 2008. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is surrounded on all sides by R-3 Single Family Residential zonings and uses.

- **Transportation system:** Peachtree Battle Avenue is a collector street, and Northside Drive is a major north/south arterial road. MARTA bus routes serve the community and, as noted above, sidewalks are present along Peachtree Battle Avenue.

In 2008 the applicant sought and received a Special Use Permit for a 180-child Early Childhood Education/Day Care Facility to operate as the Suzuki School, on the ground level of the existing structure, which is located at 600 Peachtree Battle Avenue, N.W. The school occupied a portion of the ground floor of the building, which was already physically configured for use as a religious school, which had previously operated there for several years.

The applicant now proposes several renovations to the site, which will be completed in various phases. The first phase of the project is the addition of a preschool, which includes a 4,000 sq. ft. building addition that will be attached to the rear of the existing structure. Latter phases will include:

- 1) Playground expansion;
- 2) Two-story lobby and hall expansion;
- 3) Two-story kitchen expansion;
- 4) Two-story "pre-function" expansion;
- 5) Porte-cochere addition;
- 6) Parking space additions.

The applicant also contemplates the consolidation of adjacent land under the same ownership into the larger parent parcel.

- **Ingress and egress:** Ingress and egress to the parking areas are provided by two existing curb cuts on Peachtree Battle Avenue, as well as two additional existing curb cuts on Northside Drive.
- **Parking and loading:** There are a total of 410 parking spaces on-site. Approximately 39 full time staff currently serve the Suzuki School, and approximately 20 will serve the proposed preschool (40% of which are part time). Therefore, after expansion while school is in session, approximately 60 employees will access the property via Peachtree Battle Avenue and park in the parking lot. Members of the congregation will also access the site from this street and use the parking lot to park their vehicles when the Synagogue is in session. No carpool lanes will be utilized, but parents at the pre-school will park and escort their children in the building. The preschool will not operate during the worship service, and as a result the parking will be able to overlap.  
Since the land use is that of a religious worship/daycare facility there will be limited supply deliveries necessary. Any supplies will be delivered via mid-sized trucks in the designated loading areas. Service personnel have a dedicated section of the parking lot for temporary parking.
- **Refuse and service areas:** An enclosed dumpster and recycle bin in the southwest corner of the property will be available for property waste disposal and recycling, and the current utilization of the City's garbage collection service will be continued.

- **Buffering and screening:** The property is bordered on the north by Peachtree Battle Avenue, and on the east by Northside Drive. The southern adjacent parcel is owned by the same subject property owner, but the west and southwest sides of the property are single-family residential. There already exists wooden privacy walls and mature trees to help provide screening from the existing light poles on the subject property. No new additional light poles are proposed. There is also a difference in elevation between the subject property building and these residential areas, which helps to provide a sight buffer as well.
- **Hours and manner of operation:** The proposed phase one addition to the southwest corner of the existing building consists of 4,000 sq. ft. of space for a new preschool that will serve as an accessory use to the synagogue. The primary synagogue will also be renovated at a future phase as mentioned previously, and will be operated as normal. The preschool will be new and is not associated with the existing Suzuki school currently on the premises.

The standard preschool hours will be 6:30am – 7pm, Monday through Friday. There are approximately 20 employees proposed of which 60% will be full-time, and 40% will be part-time. The children's ages will range 2 through 5 years, and the preschool will provide meals throughout the day, which will vary depending on the children's scheduled time there as well as other activities occurring on-site. Special programs will take place periodically, which should not adversely affect the traffic at the site.

- **Duration:** A permanent duration is requested by the applicant.
- **Required yards and open space:** No encroachments into yards or required open space are expected at this time.
- **Tree Preservation and Replacement:** All requirements of the City of Atlanta Tree Ordinance shall be met, and no trees are anticipated to be removed on the subject site.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Ingress and egress from Peachtree Battle Avenue is sufficient to assure automotive and pedestrian safety. Adequate parking is available on the subject site for parents to access the facility, as well as for delivery and emergency vehicle access.
- b) **Off-street parking and loading:** The existing on-site parking is sufficient and deliveries will be minimal.
- c) **Refuse and service areas:** Continued use of the City's waste services company should be sufficient.
- d) **Buffering and screening:** No additional buffering or screening appears to be necessary.

- e) **Hours and manner of operation:** The hours and manner of operation appear reasonable. The previously approved daycare school at the site has been operating successfully since 2008, and the proposed preschool will have similar hours.
- f) **Duration:** A permanent duration is reasonable as long as the synagogue remains the operator.
- g) **Compatibility with policies related to tree preservation:** The applicant states all policies related to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

**STAFF RECOMMENDATION: APPROVAL** conditioned on the following:

1. The Special Use Permit (SUP) for the preschool shall remain valid as long as the preschool continues to be operated by and for the existing synagogue at the site as originally intended. If the preschool operator should change then a new SUP shall be required for the preschool.
2. Site plan similar to the one stamped received by the Office of Planning on 10-24-2014.



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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-31 for Transfer of Development Rights  
Receiving property: 1791 Piedmont Road N.E.

DATE: December 11, 2014

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The applicant seeks a Special Use Permit to allow for the receipt of previously severed **Development Rights to 1791 Piedmont Road N.E.** for the purposes of developing a 180 unit multi-family residential project on the receiving property.

The applicant has requested a deferral to the January 2015 public hearing.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL-JANUARY 2015**



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CHARLETTA WILSON JACKS  
Director  
Office of Planning

KASIM REED  
MAYOR

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-66 for 490 Bishop Street, N.W.

**DATE:** December 4, 2014

An Ordinance to rezone from the I-2 (Heavy Industrial) District to the MR-5A (Multi-family Residential) District, property located on a portion of 490 Bishop Street, N.W. and a portion of 1299 Northside Drive, N.W.

**STAFF RECOMMENDATION:** 30-DAY DEFERRAL-JANUARY 2015





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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director  
Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-67 for 720 Ralph McGill Boulevard, N.E.

**DATE:** December 4, 2014

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An Ordinance to rezone from the I-1 (Light Industrial) District to the MRC-3 Mixed Residential Commercial) District, property located **720 RALPH MCGILL BOULEVARD, N.E.**

Staff will be working with the applicant to further discuss aspects of this proposal.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JANUARY 2015**



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MAYOR

CHARLETTA JACKS  
Director, Bureau of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-41 for 1791 Piedmont Road, N.E.

**DATE:** December 11, 2014

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An Ordinance to rezone from the **RG-2 (Residential General – Sector 2) / Beltline Overlay** District to the **MR-4A (Multifamily Residential) / Beltline Overlay** District, property located at 1763-1791 (aka 1797) Piedmont Road N.E. to develop a multi-family residential project with approximately 180 residential units of 166,500 total square feet with 272 parking spaces in an accessory parking deck.

The applicant has requested a deferral to the January 2015 public hearing.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL-JANUARY 2015**